

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ADMISSIBILITY INTO EVIDENCE OF OTHER DUI OFFENSES FOR ANY PURPOSE FOR WHICH THE EVIDENCE IS CONSIDERED RELEVANT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Admissibility of evidence of commission of another DUI offense. (1)

In a criminal case in which the defendant is accused of an offense of driving under the influence, evidence of the defendant's commission of another offense of driving under the influence is admissible into evidence and may be considered for its bearing upon any matter to which it is relevant.

(2) If the prosecution intends to offer evidence of a previous offense pursuant to this section, the prosecution shall disclose that evidence to the defendant. If the prosecution intends to offer a statement of a witness, the prosecution shall disclose that statement or a summary of the substance of the testimony by the time of the omnibus hearing held pursuant to 46-13-110 or at a later time that the court may for good cause allow.

(3) This section does not prohibit or limit the admission or consideration of evidence under any other statute or rule.

(4) As used in this section, "evidence of the defendant's commission of another offense of driving under the influence" means:

(a) evidence of another offense in this state of the commission of one or more of the offenses listed in subsection (4)(b); or

(b) evidence of another offense within another state, a territory or possession of the United States, an Indian reservation, the District of Columbia, or any other area under the jurisdiction of the United States that if committed under the jurisdiction of this state would constitute the offense of:

(i) driving under the influence of alcohol or drugs, as prohibited by 61-8-401;

(ii) operation of a noncommercial vehicle by a person with an alcohol concentration of 0.08 or more, as prohibited by 61-8-406(1)(a);

(iii) operation of a commercial vehicle by a person with an alcohol concentration of 0.04 or more, as prohibited by 61-8-406(1)(b); or

1 (iv) operation of a vehicle by a person under 21 years of age with an alcohol concentration of 0.02 or
2 more, as prohibited by 61-8-410.

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4 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
5 integral part of Title 46, chapter 15, and the provisions of Title 46, chapter 15, apply to [section 1].

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